

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TOMMY J.A. MALDONADO,

No. 1:20-CV-00151

Plaintiff,

(Judge Brann)

v.

(Magistrate Judge Cohn)

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

ORDER

APRIL 20, 2021

Tommy J.A. Maldonado filed this action seeking review of a decision by the Commissioner of Social Security (“Commissioner”) denying Maldonado’s claim for social security disability benefits.¹ On March 30, 2021, Magistrate Judge Gerald B. Cohn issued a Report and Recommendation recommending that this Court vacate the Commissioner’s decision, remand this matter for further proceedings, and close this case.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in

¹ Docs. 1, 15.

² Doc. 22.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds error—clear or otherwise—in Magistrate Judge Cohn’s conclusion that the Commissioner’s decision is not supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Gerald B. Cohn’s Report and Recommendation (Doc. 22) is **ADOPTED**.
2. The Commissioner’s decision is **VACATED**, and this matter is **REMANDED** for further proceedings consistent with this Order and Magistrate Judge Cohn’s Report and Recommendation.
3. Final Judgment is entered in favor of Plaintiff and against Defendant pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g).
4. The Clerk of Court is direct to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.